

BUSINESS MEETING

MEETING BEFORE THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

JULY 12, 2017

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

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BUSINESS MEETING

WEDNESDAY, JULY 12, 2017

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 9:50 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Moran, Rounds, Ernst, Sullivan, Cardin, Merkley, Gillibrand, Booker, Markey, Harris, and Shelby.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. I call this business meeting to order.

I thank everyone for coming this morning. We are here to consider three nominations, five bills, and five resolutions.

Ranking Member Carper and I will give our opening statements. After that, other members may make remarks. We do have a reporting quorum at this point, so I would essentially like to move to the agenda, but we will be happy to listen to all opening statements that people would like to make. After we have completed the business portion of the meeting, if members want to make remarks, we will keep the meeting going for that. Once the business meeting concludes, we will immediately begin this morning's scheduled hearing.

Today we consider two nominees for the Nuclear Regulatory Commission, one nominee for Assistant Administrator of the Environmental Protection Agency.

I applaud the President's nominations of Ms. Caputo, Mr. Wright, and Ms. Bodine. They all have proven themselves to be well qualified, experienced, and dedicated public servants. Their confirmation will fill critically important roles in protecting Americans' public health and safety. I urge all my colleagues to vote yes on each of the nominations.

We also will consider five bills and five resolutions:

S. 822, the Brownfields Utilization, Investment, and Local Development Act. The BUILD Act reauthorizes and expands eligibility for brownfields cleanup grants and makes the use of those grants more flexible.

S. 1447, the Diesel Emissions Reduction Act, reauthorizes and improves the Environmental Protection Agency's DERA program, which provides funding to projects that replace or retrofit older diesel vehicles, engines, and equipment.

S. 1359, the John F. Kennedy Center Reauthorization Act, reauthorizes funding for the Kennedy Center.

S. 810 paves the way for construction of a bridge in Christian County, Missouri.

S. 1395 updates the current map delineating a coastal barrier resources system unit in Delaware by removing an area that was mistakenly included when the current map was made.

We will also consider five resolutions to approve prospectuses for the General Services Administration leases.

S. 822 and S. 810, we are marking up the substitute amendment to each of the bills previously circulated. I want to thank the members for their work to reach agreement on these amendments.

I would also like to thank the members for their work in reaching agreement on the Diesel Emissions Reduction Act.

I will now turn to our Ranking Member for his statement.

Thank you, Senator Carper.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thanks, Mr. Chairman.

Good morning, everybody.

I am one of those glass half-full people, and I try to find the good in every situation. It gets more challenging as time goes by, but I want to start with what is good on today's markup. Mr. Chairman, colleagues, I think there is a lot of good that you have talked about and that we can look forward to in the next several minutes.

I am pleased, for example, that we again have had the opportunity to work across party lines, as is our tradition, and on multiple pieces of legislation that will have real impacts on people's lives. I am really encouraged by the conversations that have gone on in the last 24 hours with your staff on an issue that is important to all of us.

I want to take just a moment just to thank all of our staffs for the hard work that they have done that will enable us to slip through this day, this markup, I think, pretty quickly.

These bills are bipartisan; they are critical for local economic development, job creation, and job growth. I think it is a win-win in my book.

One of the bills that I have particular interest in is the Diesel Emissions Reduction Act of 2017, DERA. In 2005 our good friend, George Voinovich, came to me with the idea for DERA, and ever since then I have been one of the program's strongest supporters. DERA provides voluntary incentives to refit older diesel engines with American made technology. It is probably one of the most effective EPA programs resulting in enormous environmental and public health benefits, while creating jobs here at home.

Today we extend this common sense program for 5 more years. Adoption changes proposed by our Chairman that encourage all communities, big and small, can use DERA more effectively. I want to thank him, and I especially want to thank Jim Inhofe for his leadership, and Sheldon Whitehouse for his leadership as we move this critical legislation.

I want to thank you, Mr. Chairman, also for adding S. 1395 to the business meeting agenda, the bill which I sponsored jointly

with my Delaware colleague, Senator Coons, to remedy a mistake in the boundary of a unit, coastal barrier resource system located north of Bethany Beach, just a mistake that was made. The Coastal Barrier Resources Act enacted in 1982, when some of us were elected to the House, shields American taxpayers from liabilities that comes from building on previously undeveloped coastal barrier islands, something that Ben and I know something about.

The original legislation identified these undeveloped and vulnerable islands on maps, and I will leave it for the record what I continue to say on that point.

We are also going to be considering S. 822, the Brownfields Utilization, Investment, and Local Development Act, which reauthorizes brownfields grants programs at EPA. Each grant dollar that we spend at EPA on this program leverages something like \$16 from State and private partners. I think for every dollar we spend in DERA we leverage about \$19 in local moneys.

Working with the Chairman's staff and Senator Sullivan's staff, I think we have been able to do something really important that was brought up at one of our hearings while I was away, some of our Alaska Native corporations were being treated. I think we have righted a wrong, and thank you for your leadership on that, Senator Sullivan.

While we are considering GSA prospectuses today, I think we are taking this action less than 24 hours after GSA canceled the procurement process for the proposed new FBI headquarters. Abrupt action for something that has been in the pipeline for a long time. It is deeply troubling.

I hope we can work together. I understand that we are having some good conversations. We hope we can continue those. This is a big deal for a number of people on this Committee and I think for people in this region and for the folks in the FBI.

We are going to hear today several nominations. First among these nominations, Susan Bodine, who has been tapped to lead EPA's Office of Enforcement and Compliance Assistance. Susan has been a collegial partner to my staff and I think to all of our staffs, and the Agency's gain will be our Committee's loss.

However, I said when her nomination was announced, I am unable to support any nominees to the EPA until Administrator Pruitt responds to our many unanswered letters from this side of the aisle to him by members of this Committee. I very much appreciate the constructive meeting—I have discussed this with our Chairman—on this topic that took place at the end of June between EPA staff, our staff, my staff, and the Chairman's staff.

I also appreciate that shortly after that meeting EPA provided a substantive, though incomplete, response to a letter we sent EPA on its enforcement efforts. We hope to soon receive complete responses to the balance of our very reasonable oversight requests.

Mr. Chairman, that leads me to briefly mention NRC nominees. I will just say very briefly we have two good nominees before us. We have already confirmed Kristine Svinicki so that the NRC can function. I would like to get the other two done.

I would also like to make sure that we pair those two names with the name of a fellow who is already there, Commissioner Baran, Jeff Baran, who is in his last year, his last, I think, 10, 11

months, and we would like to get him done. We would like to pair them together and get them all done and provide real certainty and predictability on a path forward and have five excellent people on the NRC.

With that, I will ask the rest of my remarks, which could go on for hours, be made part of the record.

[The prepared statement of Senator Carper was not received at time of print.]

Senator BARRASSO. Yes.

Senator Cardin.

Senator CARDIN. Yes. And I am going to be very, very brief. I just really wanted to share with my colleagues a discussion I had with the Chairman and Ranking Member about my concern with what the GSA did on the cancellation of the FBI consolidation. I think this is extremely dangerous to our national security, and I think it is going to be extremely costly to the taxpayers of this country.

And I thank the Chairman and Ranking Member because they ignored the wishes of this Committee in the authorizations that we gave, as well as the appropriation process, and I look forward to this Committee exercising its oversight function.

Senator BARRASSO. And thank you for your leadership in this and for taking the time to visit with me yesterday and our commitment to move ahead with the hearing and asking for additional information.

As we talked earlier the Washington Post editorial this morning I think had a good point on what we are dealing with here. This has been a project a long time in the making and to just abandon it that way, without ever coming to the Committee or to others, is something that there is a role for Congress to play in this, specifically since the amount of money that would be wasted, I think, by making that decision they did is one that we need to look into. So thank you for your leadership there.

Now that the members have arrived, we are going to defer additional statements until the end of the meeting. The Ranking Member and I have agreed to bring up each nominee for a separate vote, and the Ranking Member has requested that each of the nominees receive a roll call vote.

The Ranking Member and I have agreed to vote on the remaining items en bloc by voice, but members may choose to have their votes recorded individually, and we would be happy to do that. The Ranking Member and I have further agreed that S. 1447, the Diesel Emissions Reduction Act, which was introduced on June 27th, replaces the text that was circulated with the notice on June 23rd. So this introduced bill is identical to the text that we have circulated.

So, to begin with, I would like to call up presidential nomination 560, Ms. Annie Caputo, of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years, expiring June 30th, 2021.

I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. Yes.
 The CLERK. Mr. Boozman.
 Senator BOOZMAN. Yes.
 The CLERK. Mrs. Capito.
 Senator CAPITO. Yes.
 The CLERK. Mr. Cardin.
 Senator CARDIN. Yes.
 The CLERK. Mr. Carper.
 Senator CARPER. No.
 The CLERK. Ms. Duckworth.
 Senator CARPER. Yes by proxy.
 The CLERK. Mrs. Ernst.
 Senator ERNST. Yes.
 The CLERK. Mrs. Fischer.
 Senator FISCHER. Yes.
 The CLERK. Mrs. Gillibrand.
 Senator GILLIBRAND. No.
 The CLERK. Ms. Harris.
 Senator HARRIS. No.
 The CLERK. Mr. Inhofe.
 Senator INHOFE. Aye.
 The CLERK. Mr. Markey.
 Senator MARKEY. No.
 The CLERK. Mr. Merkley.
 Senator MERKLEY. No.
 The CLERK. Mr. Moran.
 Senator MORAN. Aye.
 The CLERK. Mr. Rounds.
 Senator ROUNDS. Aye.
 The CLERK. Mr. Sanders.
 Senator CARPER. No by proxy.
 The CLERK. Mr. Shelby.
 Senator SHELBY. Aye.
 The CLERK. Mr. Sullivan.
 Senator SULLIVAN. Aye.
 The CLERK. Mr. Whitehouse.
 Senator CARPER. Yes by proxy.
 The CLERK. Mr. Wicker.
 Senator WICKER. I am torn between yes and aye.
 [Laughter.]
 The CLERK. Mr. Chairman.
 Senator BARRASSO. Aye.
 The Clerk will report.
 The CLERK. Mr. Chairman, the yeas are 15, the nays are 6.
 Senator BARRASSO. Then we have approved the nomination of Ms. Caputo to be a member of the Nuclear Regulatory Commission, which will be reported to the full Senate for approval.
 I would now like to call up presidential nomination 562, Mr. David Wright, of South Carolina, to be a member of the Nuclear Regulatory Commission for a 5 year term expiring June 30th, 2020.
 I move to approve and report the nomination favorably to the Senate. Is there a second?
 Senator INHOFE. Second.
 Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.
 Senator BOOKER. No.
 The CLERK. Mr. Boozman.
 Senator BOOZMAN. Yes.
 The CLERK. Mrs. Capito.
 Senator CAPITO. Yes.
 The CLERK. Mr. Cardin.
 Senator CARDIN. No.
 The CLERK. Mr. Carper.
 Senator CARPER. No.
 The CLERK. Ms. Duckworth.
 Senator CARPER. No by proxy.
 The CLERK. Mrs. Ernst.
 Senator ERNST. Yes.
 The CLERK. Mrs. Fischer.
 Senator FISCHER. Aye.
 The CLERK. Mrs. Gillibrand.
 Senator GILLIBRAND. No.
 The CLERK. Ms. Harris.
 Senator HARRIS. No.
 The CLERK. Mr. Inhofe.
 Senator INHOFE. Aye.
 The CLERK. Mr. Markey.
 Senator MARKEY. No.
 The CLERK. Mr. Merkley.
 Senator MERKLEY. No.
 The CLERK. Mr. Moran.
 Senator MORAN. Aye.
 The CLERK. Mr. Rounds.
 Senator ROUNDS. Aye.
 The CLERK. Mr. Sanders.
 Senator CARPER. No by proxy.
 The CLERK. Mr. Shelby.
 Senator SHELBY. Aye.
 The CLERK. Mr. Sullivan.
 Senator SULLIVAN. Aye.
 The CLERK. Mr. Whitehouse.
 Senator CARPER. No by proxy.
 The CLERK. Mr. Wicker.
 Senator WICKER. Aye.
 The CLERK. Mr. Chairman.
 Senator BARRASSO. Aye.
 The Clerk will report.
 The CLERK. Mr. Chairman, the yeas are 12, the nays are 9.
 Senator BARRASSO. We have approved the nomination of Mr. Wright to be a member of the Nuclear Regulatory Commission, which will be reported to the full Senate for approval.
 I would like to call up presidential nomination 460, Ms. Susan Bodine, of Maryland, to be Assistant Administrator of the Office of Enforcement and Compliance Assurance of the Environmental Protection Agency.
 I move to approve and report the nomination favorably to the Senate. Is there a second?
 Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. No.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Mrs. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARDIN. No.

The CLERK. Mr. Carper.

Senator CARPER. No.

The CLERK. Ms. Duckworth.

Senator CARPER. No by proxy.

Senator Duckworth, no by proxy.

The CLERK. Mrs. Ernst.

Senator ERNST. Yes.

The CLERK. Mrs. Fischer.

Senator FISCHER. Aye.

The CLERK. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The CLERK. Ms. Harris.

Senator HARRIS. No.

The CLERK. Mr. Inhofe.

Senator INHOFE. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. No.

The CLERK. Mr. Merkley.

Senator MERKLEY. No.

The CLERK. Mr. Moran.

Senator MORAN. Aye.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator CARPER. No by proxy.

The CLERK. Mr. Shelby.

Senator SHELBY. Aye.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. Aye.

The CLERK. Mr. Whitehouse.

Senator CARPER. No by proxy.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator BARRASSO. Aye.

The Clerk will report.

The CLERK. Mr. Chairman, the yeas are 12, the nays are 9.

Senator BARRASSO. Thank you very much.

We have approved the nomination of Ms. Bodine to be Assistant Administrator of the Office of Enforcement and Compliance Assurance of the Environmental Protection Agency, which will be reported to the full Senate for approval.

I would like to now call up the remaining items en bloc. I move approval of the Barrasso, Carper, Inhofe, Markey, Sullivan, Booker, and Whitehouse substitute amendment to S. 822 and report S. 822,

as amended; to approve the manager's substitute amendment to S. 810 and report S. 810, as amended; approve reports S. 1447, S. 1359, and S. 1395; and approve five General Service Administration resolutions en bloc. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, say no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have approved S. 822, S. 810, S. 1447, S. 1359, S. 1395, which will be reported favorably to the Senate. We have also approved five GSA resolutions.

The business part of this meeting is finished.

I would be happy to recognize any member who wishes to make a statement on the nominations, legislation, or resolutions we have just approved.

And I would ask the Clerk to clarify the last two votes that I think have been announced as 12 to 9 and may have been 11 to 10 by the count of some members. If we could just double check those last two votes, please.

The CLERK. For the nomination of Susan Bodine, the yeas are 12, or 11, and the nays are 10.

Senator BARRASSO. Thank you.

And the other? Mr. Wright.

The CLERK. For the nomination of David Wright, the yeas are 11 and the nays are 10.

Senator BARRASSO. Thank you for the clarification.

Senator CARPER. Can we just count them one more time?

[Laughter.]

Senator BARRASSO. Would any member like to be recognized?

Senator MARKEY.

Senator MARKEY. Thank you, Mr. Chairman. I just want to thank you and thank Ranking Member Carper, but to thank my friend, Jim Inhofe. We worked very hard on the brownfields bill last year, and it was then stopped over in the House. We have an even better product this year that really is going to provide our capacity to clean up all of these contaminated sites, not just in Massachusetts, but all across the country, which are a legacy of 100 years of neglect.

I just think that it is a real tribute once again to the Committee, and I thank you, Chairman, for working with me on this legislation, and I thank all the rest of the members of the Committee as well. And I yield back to you, Mr. Chairman.

Senator BARRASSO. Thank you.

Anyone else like to make a statement?

Senator SULLIVAN.

Senator SULLIVAN. Mr. Chairman, I want to thank you and the Ranking Member.

Ranking Member Carper already mentioned the amendment that I had, but it stemmed from some, I think, very compelling testimony we had here a couple months ago that a lot of members witnessed, and it is essentially righting a wrong, enabling Alaska Native members to be able to develop their land as was promised by

the Congress, and I just appreciate everybody working in a bipartisan way to help address this issue, which is important to some very important constituents of mine. So I want to thank the Chairman and the Ranking Member and everybody else on that. Thank you.

Senator BARRASSO. Thank you, Senator Sullivan.

Anyone else like to make any comments at this time as part of the business meeting?

If not, I would like to submit the Committee's fiscal year 2018 Views and Estimates document sent to the Senate Budget Committee, dated March 10, 2017, for the record. These estimates, signed by Ranking Member Carper and by me, highlight our support for funding of the Diesel Emissions Reduction Act. The document states—and I won't go through the whole thing here—but that the Committee supports funding of the Diesel Emissions Reduction Act established pursuant to the 2005 Energy Policy Act. Without objection, that will be submitted.

[The referenced information follows:]

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-8175

March 10, 2017

The Honorable Michael Enzi, Chairman
 The Honorable Bernard Sanders, Ranking Member
 Committee on the Budget
 United States Senate
 Washington, DC 20510

Dear Chairman Enzi and Ranking Member Sanders:

In response to your letter of February 7, 2017, we present the following views and estimates for certain programs under the jurisdiction of the Committee on Environment and Public Works.

Reserve Fund

The Committee requests a reserve fund to address any budgetary impacts from Committee legislative initiatives.

Current Legislative Initiatives

Infrastructure Bill

The Committee intends to move comprehensive legislation to authorize and implement important infrastructure programs. We intend to include transportation infrastructure as well as Environmental Protection Agency drinking water and wastewater infrastructure assistance programs and Army Corps of Engineers water resources infrastructure in this larger package.

Endangered Species Act Bill

The Committee is conducting oversight of the Endangered Species Act (ESA), which will serve as a basis for legislation to improve the act.

Nuclear Energy Innovation and Modernization Act

The Committee intends to move legislation to establish new transparency and accountability measures over the Nuclear Regulatory Commission's budget and fee programs, and develop the NRC regulatory infrastructure necessary to enable the licensing of advanced nuclear reactors.

Diesel Emissions Act Reauthorization

The Committee intends to move legislation to reauthorize the Diesel Emissions Reduction Act program.

Cost Savings

The Majority supports implementation of federal environmental laws through the cooperative federalism structure of these statutes and intends to conduct oversight to identify efficiencies and cost savings that will result from such an approach. The Majority also intends to look for opportunities to reduce or eliminate programs under the jurisdiction of the Committee that are redundant, ineffective, or inefficient.

Agency Programs*Environmental Protection Agency (EPA)*

The Committee supports EPA efforts to protect public health and the environment, increase job opportunities, and promote community revitalization. The Committee supports adequate funding for EPA and state implementation of federal environmental laws. The Committee intends to conduct oversight to identify cost savings through efficiencies in EPA programs.

Water Infrastructure

The Committee supports programs for maintaining and enhancing drinking water and wastewater infrastructure and urges that the budget resolution support robust funding for these important and successful programs. The national need for investment in water and wastewater infrastructure through the Clean Water State Revolving Funds (CWSRFs) and Drinking Water State Revolving Funds (DWSRFs), which are managed by EPA, continues to far outpace the amount of funding that is available from all levels of government.

The Congressional Budget Office (CBO) baseline for the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) is \$20 million. The WIFIA program is a powerful tool for addressing water infrastructure needs. The Committee supports EPA WIFIA funding at the authorized level for FY 2018: \$45 million. However, because only 15 percent of WIFIA funds support small projects found in rural areas, WIFIA funding cannot come at the expense of funding for state revolving loan funds.

Other EPA Water Program Funding

The Committee strongly supports funding out of the State and Tribal Assistance Grant Account for state nonpoint source reduction programs under Section 319 of the Clean Water Act and state water pollution control programs under Section 106 of the Clean Water Act.

Toxic Substances Control

The Committee supports implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Public Law 114-182), which was enacted on June 22, 2016. While the legislation imposes additional administrative costs on EPA, it authorizes EPA to collect fees from chemical manufacturers and processors to offset these costs. We support funding to implement the legislation, which CBO estimates to require an increase of \$17 million in FY 2018 above baseline funding, and appropriation of all fees that are collected.

Cleaning up Superfund Toxic Waste Sites

For FY 2018, the CBO baseline level of funding for the Superfund program is \$1.122 billion. This funding supports EPA personnel who oversee private party cleanups, as well as removal and remedial actions that EPA itself carries out. The Committee is interested in actions the agency intends to take to increase the annual pace of cleanups with baseline funding.

Cleaning up Brownfields

In 2002, Congress enacted the nation's brownfields cleanup and redevelopment program, authorizing \$200 million annually for site assessment and cleanup projects, of which \$50 million annually is authorized for certain state programs. Brownfields are areas where contamination issues inhibit redevelopment efforts. The federal brownfields program is one of EPA's most popular and successful programs. The CBO baseline for FY 2018 is \$82 million for the State and Tribal Assistance Grants that fund brownfields projects. The baseline level of additional funding that is provided as part of EPA's categorical grants for state programs is approximately \$50 million. The Committee strongly supports the brownfields program.

Preventing and Cleaning Up Leaking Underground Storage Tanks

Leaking underground storage tanks are a threat to our nation's groundwater quality. This program is funded by the Leaking Underground Storage Tank fee of \$0.001 per gallon that is part of the federal gas tax. These receipts are placed into the Leaking Underground Storage Tank Trust Fund, which is anticipated to have a balance of \$505 million at the beginning of FY 2018. Fees should be used for the purpose for which they are collected. The Committee supports the underground storage tank program and notes the importance of its state and tribal technical assistance and grants to protect underground sources of drinking water.

Science and Technology

The Committee supports EPA's Science and Technology programs. The programs as well as the associated laboratories should continue to be regularly reviewed and evaluated. The Committee believes that the federal government has a role to play in research and development efforts for a new generation of cost effective energy and environment technologies that solve our nation's greatest environmental challenges. These efforts should be based on sound science that is objective and transparent.

Air and Climate Programs

The Majority has consistently opposed requests from the previous administration to increase funding levels for climate change programs. During the FY 2017 process, the previous administration requested \$235 million to pursue greenhouse gas reductions and \$1.3 billion for the Global Climate Change Initiative, including \$750 million for the Green Climate Fund, which Congress did not authorize or support. The previous administration also requested \$50.5 million for implementation of the Clean Power Plan, which is being challenged in federal court. The Supreme Court has issued an unprecedented stay against the Clean Power Plan, halting its implementation pending further federal judicial proceedings. The Majority believes that the FY 2018 budget should significantly reduce funding for these and other climate programs established by the previous administration, and reallocate funding to other priorities that directly improve the environment and public health.

The Majority believes EPA should refocus resources on implementing the primary goals of the Clean Air Act. Those goals are achieving healthier air, addressing radiation issues, and enhancing science and research in an open and transparent way. The EPA should also refocus resources to better assist states and other regulated entities with compliance activities in order to improve application of key air quality programs.

The Minority believes climate change poses a significant risk to public health, the nation's economy and quality of life, and feels that significantly reducing carbon pollution is imperative. Accordingly, the Minority supports adequate funding for programs that cut carbon and other greenhouse gas pollution from stationary and mobile sources. This includes funding for voluntary programs at EPA, programs through the agency's international office, and state assistance programs.

The Majority supports EPA's efforts to streamline consideration of air permits and implementation plans and to develop policies that create consistent application of agency enforcement across all regions. The Committee supports EPA's efforts to implement the Government Accountability Office's (GAO) recommendations focused on improving the agency's performance and the efficiency and effectiveness of its programs consistent with the GAO's June 14, 2016 study entitled, "Status of GAO Recommendations to EPA." More generally, the Committee believes that EPA should make every effort to carefully analyze and account for the impacts that its regulatory decisions have on health and economic productivity at the local, state, regional, and national levels.

The Committee supports funding for the Diesel Emissions Reduction Act (DERA), established pursuant to the 2005 Energy Policy Act. DERA is a voluntary program that incentivizes equipment and vehicle owners to retrofit existing heavy-duty diesel vehicles and engines with new technology, or replace engines and equipment through the disbursement of federal and state grants and rebates. Diesel engine retrofits are one of the most cost effective ways to obtain reductions in air pollution and to reduce the risk of premature death from particulate matter. The EPA reported in 2016 that funding requests for the DERA rebate program exceeded available funds by as much as 35 to 1 and requests for the DERA grant program exceeded available funds by 7 to 1.

The Committee supports a strong federal commitment to state and local air quality grant programs as a mechanism to assist state and local governments in implementing and complying with federal environmental requirements.

Department of Transportation, Federal Highways Administration

On December 4, 2015, the Fixing America's Surface Transportation Act (FAST Act) was signed into law. For the first time since 2005, Congress enacted long-term, five-year legislation to improve the nation's surface transportation infrastructure, including roads, bridges, transit systems, and rail transportation networks. This Act reforms and strengthens transportation programs, refocuses national priorities, ensures long-term certainty, provides more flexibility for states and local governments, streamlines project approval processes, and maintains a strong commitment to safety.

The transportation needs of the United States demand a funding level sufficient to sustain and strengthen the nation's surface transportation network, which is a backbone of the economy. The continuation of mandatory contract authority to fund highway programs is essential to provide predictable long-term funding and to give states the ability to enter into commitments that would obligate the federal government.

A strong federal transportation program will improve America's quality of life and will help meet the needs of the nation's growing economy. Americans and businesses benefit every day from high-quality transportation infrastructure through shortened travel times, increased productivity, and improved safety.

Failing to provide a safe, reliable, efficient transportation system creates disruptions that waste money, time, and fuel, and undermines the global competitiveness of America's businesses. According to the 2015 Urban Mobility Report issued by the Texas Transportation Institute, traffic congestion continues to worsen in American cities of all sizes, creating a \$160 billion annual drain on the U.S. economy in the form of 6.9 billion lost hours and 3.1 billion gallons of wasted fuel. This represents an average financial burden of \$960 per commuter, every year.

According to the U.S. Department of Transportation's report titled, "2015 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance," only 36 percent of highway miles traveled are on roads that are in "good" condition and nearly 20 percent are on roads that are in "poor" condition. In addition, there are almost 58,800 bridges nationwide that are structurally deficient and in need of repair or replacement.

The FAST Act will help ensure that states have the tools and the certainty to make new investments, fight growing congestion, and maintain the mobility of goods and services necessary to keep the economy growing. The FAST Act will help pave the way for the next 50 years of American excellence in infrastructure and make America the best place to do business.

The Committee supports implementation of the FAST Act and we support funding at the authorized levels. The two Continuing Resolutions that provide appropriations for the period of

October 1, 2016 through April 28, 2017, provide for a total of \$24.3 billion in obligation limitation for the Federal Highway Administration (FHWA). This is nearly \$600 million lower than the level at which FHWA would be operating for the same time-period under the FAST Act, which passed in 2015 with strong bipartisan support. The Committee supports funding levels authorized by the FAST Act, which provided for \$43.266 billion in obligation limitation for FHWA in FY 2017 and \$44.234 billion in FY 2018. The Continuing Resolution also funded the Nationally Significant Freight and Highway Projects program, referred to as FASTLANE grants, at a slightly lower level than authorized. The Committee supports funding for this program at the authorized level.

The Minority notes that the Federal-Aid Highway Program has historically been funded primarily through revenues from the federal gas and diesel tax, which was last raised over twenty years ago, as well as revenue from taxes on truck sales, use, and tires. Revenue from these federal taxes was insufficient to meet the baseline funding levels provided in MAP-21 or the FAST Act, and the shortfall continues to grow. The FAST Act provided funding through 2020 by transferring \$70 billion from general revenues. According to a March 2016 estimate from the Congressional Budget Office, in 2020 the Highway Trust Fund will need \$107 billion in additional funding in order to maintain current spending plus inflation from 2021 through 2026.

U.S. Army Corps of Engineers, Civil Works

The Committee supports more robust funding for the Army Corps of Engineers at a level consistent with the Corps' capability. Investment in the civil works program of the Army Corps of Engineers offers many benefits. Congress recognized these benefits when it authorized construction of many important water resources projects in the Water Resources Reform and Development Act (WRRDA) of 2014 (Public Law 113-449) and in the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN) (Public Law 114-322). The nation's network of coastal ports and inland navigation systems is essential for the movement of raw and finished goods throughout the U.S. and overseas. Investing in these systems is necessary to ensure U.S. economic competitiveness in the global economy. The value of flood, hurricane and storm damage reduction measures and the cost of inadequately investing in this infrastructure has been demonstrated repeatedly by multiple natural disasters in recent years. Benefits also accrue from undertaking environmental restoration projects around the country, including in the Everglades, Upper Mississippi River, Missouri River, Coastal Louisiana, San Francisco Bay and countless other rivers and coasts.

The FY 2018 CBO baseline for appropriations out of the Harbor Maintenance Trust Fund (HMTF) is \$1.278 billion, even though receipts from user fees and interest during FY 2017 are estimated to be \$1.802 billion. In WRRDA 2014, Congress established a target level of appropriations from the HMTF for FY 2018 of 74 percent of the harbor maintenance taxes received in FY 2017, which would be \$1.333 billion. The Committee recommends that the budget resolution include, within the context of overall increases in funding for the civil works program, increased expenditures from the HMTF as specified in WRRDA 2014.

Receipts into the Inland Waterways Trust Fund in FY 2017 are estimated to be \$106 million. These receipts are collected from a tax on diesel fuel used on 12,000 miles of inland waterways,

which Congress increased in December 2014 to address the backlog of inland waterway projects. The Committee supports full use of Inland Waterways Trust Fund receipts for the purpose for which the tax is collected, *i.e.*, construction and major rehabilitation of locks and dams on the inland waterways.

In Section 3016 of WRRDA 2014, Congress amended the National Levee Safety Program to require a one-time review of all levees in the inventory, to establish levee safety guidelines, to establish a levee hazard potential classification system, and to authorize technical assistance and materials to states, communities, and levee owners. In addition, the 2014 amendments authorized \$30 million a year for the Corps to provide levee rehabilitation assistance to states, Indian tribes, and local governments. This program has not yet received funding so it is not part of the CBO baseline. The Committee supports implementation at the authorized levels.

WIFIA, discussed above, also authorized a secured loan program for Corps of Engineers water resources infrastructure. Secured loans are a very cost effective way to provide federal assistance for this critical infrastructure. The Corps WIFIA program is not part of the CBO baseline. The Committee supports funding at the authorized level for FY 2018 of \$45 million.

The WIIN Act also authorized the Corps of Engineers to employ innovative approaches to address flooding, as well as maintaining its reservoirs. The Committee supports adequate funding to implement these authorities.

Economic Development Administration (EDA)

Funding at EDA supports a broad range of programs, including a public works program to empower distressed communities to revitalize, expand, and upgrade their infrastructure. EDA also provides technical assistance through Economic Adjustment Assistance, which enables regions to respond to sudden or long-term economic changes, natural disasters, or other major disruptions to their economy.

The Committee supports funding EDA at an appropriate level to allow it to continue creating jobs and to increase economic vitality in local communities.

Department of the Interior, U.S. Fish and Wildlife Service

The Committee supports the mission of the U.S. Fish and Wildlife Service (FWS) to work with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We support FWS functions such as the agency's management of the National Wildlife Refuge System, fisheries programs, and endangered species programs. The Committee supports a robust level of funding in the FY 2018 budget for these important activities.

The Majority believes that the FWS should focus more broadly on the three tenets of the Endangered Species Act: listing, conservation, and recovery. We are concerned that the FWS currently devotes too few resources to consultation with states and other stakeholders, and to full recovery of endangered and threatened species and their subsequent downgrading and delisting.

We are concerned that the FWS currently devotes too many resources to listing actions driven by litigation rather than science-based determinations.

The Minority believes that changes in land use, industrial activities, and other activities accelerate the rate at which species are threatened and become extinct. The Minority requests that FWS funding levels be sufficient to enhance the agency's ability to protect and recover listed species and help states ensure that imperiled species are managed proactively to avoid the need for ESA listing.

General Services Administration, Public Building Services

The Committee is concerned by the General Services Administration's (GSA) reliance on long-term leases. Nonetheless, we recognize the GSA's efforts to be proactive in its leasing agenda by taking measures such as negotiating for more desirable terms from property owners, consolidating space to reduce rentable square feet, increasing housing efficiencies, and in some cases relocating into government-owned properties.

The Committee intends to conduct oversight to identify opportunities for efficiencies and cost reductions at GSA, including reducing the federal real estate footprint.

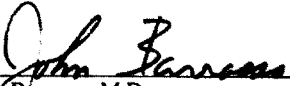
Nuclear Regulatory Commission

The Committee believes nuclear energy makes vital contributions to our nation's energy mix. Given the economic challenges nuclear plants and uranium producers are facing, we are increasing our scrutiny of the Nuclear Regulatory Commission's (NRC) resources. In particular, the NRC has grown substantially over the last decade to accommodate projected development of new plants. This industry growth did not materialize and has in fact been replaced by a decrease in the size of our nuclear industry as evidenced by premature plant shutdowns. While the Majority appreciates the NRC's efforts to adjust the size of the agency, the Majority believes additional reductions are needed to align the NRC's resources with its reduced workload.

The Majority notes that under the Nuclear Waste Policy Act, the NRC has a mandate to review and issue a decision regarding the Department of Energy's construction authorization application to build a repository at Yucca Mountain in Nevada. The mandate was upheld by the U.S. Court of Appeals for the District of Columbia Circuit which issued a writ of mandamus compelling the NRC to resume its review. The Majority notes that the Department of Energy has identified the lack of a disposal path for high-level radioactive waste as a reason for increased federal environmental liabilities.

We appreciate the opportunity to comment on the programs within the jurisdiction of the Committee on Environment and Public Works. We look forward to working with you as you prepare the Concurrent Resolution on the Budget for FY 2018.

Sincerely,


John Barrasso, M.D.
Chairman


Tom Carper
Ranking Member

Senator BARRASSO. I now ask unanimous consent that the staff have the authority to make technical and conforming changes to each of the matters approved today.

With that, the business meeting is concluded and adjourned.

[Whereupon, at 10:08 a.m., the Committee proceeded to other business.]

[Additional material submitted for the record follows:]

The White House,

MAY 16 2017

EPW
PN4EO

*To the
Senate of the United States.*

I nominate Susan Parker Bodine, of Maryland,

to be an Assistant Administrator of the Environmental
Protection Agency, vice Cynthia Giles.

DONALD J. TRUMP

The White House,

JUN -6 2017

EPW
PN560

*To the
Senate of the United States.*

I nominate Annie Caputo, of Virginia, to be a

Member of the Nuclear Regulatory Commission for the term of

five years expiring June 30, 2021, vice William Charles

Ostendorff, term expired.

DONALD J. TRUMP

The White House,

JUN - 6 2017

EPW
PN562.

*To the
Senate of the United States.*

I nominate David Wright, of South Carolina,

to be a Member of the Nuclear Regulatory Commission for the
term of five years expiring June 30, 2020, vice Jeffery Martin
Baran, resigned.

DONALD J. TRUMP

COMMITTEE RESOLUTION

**LEASE
ENVIRONMENTAL PROTECTION AGENCY
PHILADELPHIA, PENNSYLVANIA
PPA-01-PH17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE
UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 222,000 rentable square feet of space, including approximately 15 official parking spaces, for the U.S. Environmental Protection Agency (EPA), currently located in leased space at 1650 Arch Street, Philadelphia, PA, at a maximum proposed rental rate of \$38 per rentable square foot, at a proposed total annual cost of \$8,436,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: June 28, 2017

COMMITTEE RESOLUTION

**DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
WASHINGTON, DC
PDC-04-WA17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 502,997 rentable square feet of space for the Department of Homeland Security (DHS) Federal Immigration and Customs Enforcement (ICE) currently located at 500 12th Street SW, Washington DC, at a maximum proposed rental rate of \$45 per rentable square foot, at a proposed total annual cost of \$22,635,000 for a lease term of up to 4 years from the date of expiration, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: June 28, 2017

COMMITTEE RESOLUTION

**LEASE
FOOD & DRUG ADMINISTRATION
ATLANTA, GA
PGA-01-AT17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE
UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 162,000 rentable square feet of space, including approximately 27 official parking spaces, for the Food and Drug Administration currently located at the FDA Atlanta complex consisting of three leased buildings; Crawford Building, Annex I and Annex II, and an additional lease location in College Park, Georgia at a maximum proposed rental rate of \$37 per rentable square foot, at a proposed total annual cost of \$5,994,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: June 28, 2017

COMMITTEE RESOLUTION

**LEASE
INTERNAL REVENUE SERVICE
AUSTIN, TEXAS
PTX-01-AU17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 219,000 rentable square feet of space for the Department of the Treasury – Internal Revenue Service (IRS), currently located in leased space at 1821 Director's Boulevard, Austin, TX, at a maximum proposed rental rate of \$37 per rentable square foot, at a proposed total annual cost of \$8,103,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: June 28, 2017

COMMITTEE RESOLUTION

**LEASE
PEACE CORPS
WASHINGTON, DC
PDC-08-WA17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 173,000 rentable square feet of space, including approximately 5 official parking spaces, for the Peace Corps, currently located at 1111 20th Street NW, Washington DC, at a maximum proposed rental rate of \$50 per rentable square foot, at a proposed total annual cost of \$8,650,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: June 28, 2017

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 810

To facilitate construction of a bridge on certain property
in Christian County, Missouri, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. RIVERSIDE BRIDGE PROJECT.**

4 (a) IN GENERAL.—The Riverside Bridge Project is
5 authorized to be carried out notwithstanding—

6 (1) any agreement entered into under, or re-
7 striction pursuant to, section 404(b)(2) of the Rob-
8 ert T. Stafford Disaster Relief and Emergency As-
9 sistance Act (42 U.S.C. 5170c(b)(2)); or

10 (2) any easement or other Federal restriction
11 pursuant to that Act (42 U.S.C. 5121 et seq.) that

1 requires the covered property to be maintained for
2 open space, recreation, or wetland management.

3 (b) CONDITIONS.—As a condition of the authoriza-
4 tion under subsection (a)—

5 (1) Christian County, Missouri, or an assignee
6 shall—

7 (A) carry out the Riverside Bridge Project
8 in a manner that ensures that no flood damage
9 attributable to the Project occurs; and

10 (B) be liable for any such flood damage
11 that does occur; and

12 (2) the Federal Government shall not be liable
13 for future flood damage that is caused by the
14 Project.

15 (c) DISASTER ASSISTANCE PROHIBITED.—No future
16 disaster assistance from any Federal source may be pro-
17 vided with respect to the covered property or any improve-
18 ments thereon.

19 (d) DEFINITIONS.—In this Act, the following defini-
20 tions apply:

21 (1) COVERED PROPERTY.—The term “covered
22 property” means the property—

23 (A) in Christian County, Missouri;

24 (B) conveyed to such County by the River-
25 side Inn, Inc.; and

1 (C) that is approximately 1.5 acres and
2 482 lineal feet adjacent to the westerly line of
3 Riverside Road to the center of Finley Creek.

4 (2) RIVERSIDE BRIDGE PROJECT.—The term
5 “Riverside Bridge Project” means the project to
6 construct, maintain, and operate a bridge on and
7 over the covered property.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 822

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brownfields Utiliza-
5 tion, Investment, and Local Development Act of 2017” or
6 the “BUILD Act”.

7 **SEC. 2. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-
8 ZATIONS.**

9 Section 104(k)(1) of the Comprehensive Environ-
10 mental Response, Compensation, and Liability Act of
11 1980 (42 U.S.C. 9604(k)(1)) is amended—

2

1 (1) in subparagraph (G), by striking “or” after
2 the semicolon;

3 (2) in subparagraph (H), by striking the period
4 at the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(I) an organization described in section
7 501(c)(3) of the Internal Revenue Code of 1986
8 and exempt from taxation under section 501(a)
9 of that Code;

10 “(J) a limited liability corporation in which
11 all managing members are organizations de-
12 scribed in subparagraph (I) or limited liability
13 corporations whose sole members are organiza-
14 tions described in subparagraph (I);

15 “(K) a limited partnership in which all
16 general partners are organizations described in
17 subparagraph (I) or limited liability corpora-
18 tions whose sole members are organizations de-
19 scribed in subparagraph (I); or

20 “(L) a qualified community development
21 entity (as defined in section 45D(c)(1) of the
22 Internal Revenue Code of 1986).”.

1 **SEC. 3. MULTIPURPOSE BROWNFIELDS GRANTS.**

2 Section 104(k) of the Comprehensive Environmental
3 Response, Compensation, and Liability Act of 1980 (42
4 U.S.C. 9604(k)) is amended—

5 (1) by redesignating paragraphs (4) through
6 (9) and (10) through (12) as paragraphs (5)
7 through (10) and (13) through (15), respectively;

8 (2) in paragraph (3)(A), in the matter pre-
9 ceding clause (i), by striking “subject to paragraphs
10 (4) and (5)” and inserting “subject to paragraphs
11 (5) and (6)”; and

12 (3) by inserting after paragraph (3) the fol-
13 lowing:

14 “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (D) and paragraphs (5) and (6), the Ad-
17 ministrator shall establish a program to provide
18 multipurpose grants to an eligible entity based
19 on the considerations under paragraph (3)(C),
20 to carry out inventory, characterization, assess-
21 ment, planning, or remediation activities at 1 or
22 more brownfield sites in a proposed area.

23 “(B) GRANT AMOUNTS.—

24 “(i) INDIVIDUAL GRANT AMOUNTS.—

25 Each grant awarded under this paragraph
26 shall not exceed \$950,000.

4

1 “(ii) CUMULATIVE GRANT
2 AMOUNTS.—The total amount of grants
3 awarded for each fiscal year under this
4 paragraph shall not exceed 15 percent of
5 the funds made available for the fiscal year
6 to carry out this subsection.

7 “(C) CRITERIA.—In awarding a grant
8 under this paragraph, the Administrator shall
9 consider the extent to which an eligible entity is
10 able—

11 “(i) to provide an overall plan for re-
12 vitalization of the 1 or more brownfield
13 sites in the proposed area in which the
14 multipurpose grant will be used;

15 “(ii) to demonstrate a capacity to con-
16 duct the range of eligible activities that
17 will be funded by the multipurpose grant;
18 and

19 “(iii) to demonstrate that a multipur-
20 pose grant will meet the needs of the 1 or
21 more brownfield sites in the proposed area.

22 “(D) CONDITION.—As a condition of re-
23 ceiving a grant under this paragraph, each eli-
24 gible entity shall expend the full amount of the
25 grant not later than the date that is 3 years

1 after the date on which the grant is awarded to
2 the eligible entity unless the Administrator, in
3 the discretion of the Administrator, provides an
4 extension.”.

5 **SEC. 4. TREATMENT OF CERTAIN PUBLICLY OWNED**
6 **BROWNFIELD SITES.**

7 Section 104(k)(2) of the Comprehensive Environ-
8 mental Response, Compensation, and Liability Act of
9 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the
10 end the following:

11 “(C) EXEMPTION FOR CERTAIN PUBLICLY
12 OWNED BROWNFIELD SITES.—Notwithstanding
13 any other provision of law, an eligible entity
14 that is a governmental entity may receive a
15 grant under this paragraph for property ac-
16 quired by that governmental entity prior to
17 January 11, 2002, even if the governmental en-
18 tity does not qualify as a bona fide prospective
19 purchaser (as that term is defined in section
20 101(40)), so long as the eligible entity has not
21 caused or contributed to a release or threatened
22 release of a hazardous substance at the prop-
23 erty.”.

6

1 SEC. 5. INCREASED FUNDING FOR REMEDIATION GRANTS.

2 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-
3 ronmental Response, Compensation, and Liability Act of
4 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-
5 ing “\$200,000 for each site to be remediated” and insert-
6 ing “\$500,000 for each site to be remediated, which limit
7 may be waived by the Administrator, but not to exceed
8 a total of \$650,000 for each site, based on the anticipated
9 level of contamination, size, or ownership status of the
10 site”.

**11 SEC. 6. ALLOWING ADMINISTRATIVE COSTS FOR GRANT
12 RECIPIENTS.**

13 Paragraph (5) of section 104(k) of the Comprehen-
14 sive Environmental Response, Compensation, and Liabil-
15 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
16 section 3(1)) is amended—

17 (1) in subparagraph (B)—

18 (A) in clause (i)—

19 (i) by striking subclause (III); and

20 (ii) by redesignating subclauses (IV)

21 and (V) as subclauses (III) and (IV), re-
22 spectively;

23 (B) by striking clause (ii);

24 (C) by redesignating clause (iii) as clause

25 (ii); and

1 (D) in clause (ii) (as redesignated by sub-
2 paragraph (C)), by striking “Notwithstanding
3 clause (i)(IV)” and inserting “Notwithstanding
4 clause (i)(III)”; and

5 (2) by adding at the end the following:

6 “(E) ADMINISTRATIVE COSTS.—

7 “(i) IN GENERAL.—An eligible entity
8 may use up to 8 percent of the amounts
9 made available under a grant or loan
10 under this subsection for administrative
11 costs.

12 “(ii) RESTRICTION.—For purposes of
13 clause (i), the term ‘administrative costs’
14 does not include—

15 “(I) investigation and identifica-
16 tion of the extent of contamination;

17 “(II) design and performance of
18 a response action; or

19 “(III) monitoring of a natural re-
20 source.”.

21 **SEC. 7. SMALL COMMUNITY TECHNICAL ASSISTANCE**
22 **GRANTS.**

23 Paragraph (7)(A) of section 104(k) of the Com-
24 prehensive Environmental Response, Compensation, and

1 Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

3 (1) by striking “The Administrator may provide,” and inserting the following:

5 “(i) DEFINITIONS.—In this subparagraph:

7 “(I) DISADVANTAGED AREA.—

8 The term ‘disadvantaged area’ means
9 an area with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by
12 the latest available decennial census.

14 “(II) SMALL COMMUNITY.—The
15 term ‘small community’ means a community with a population of not more
16 than 15,000 individuals, as determined by the latest available decennial
18 census.

20 “(ii) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish
21 a program to provide grants that provide,”; and

24 (2) by adding at the end the following:

1 “(iii) SMALL OR DISADVANTAGED
2 COMMUNITY RECIPIENTS.—

3 “(I) IN GENERAL.—Subject to
4 subclause (II), in carrying out the
5 program under clause (ii), the Admin-
6 istrator shall use not more than
7 \$600,000 of the amounts made avail-
8 able to carry out this paragraph to
9 provide grants to States that receive
10 amounts under section 128(a) to as-
11 sist small communities, Indian tribes,
12 rural areas, or disadvantaged areas in
13 achieving the purposes described in
14 clause (ii).

15 “(II) LIMITATION.—Each grant
16 awarded under subclause (I) shall be
17 not more than \$7,500.”.

18 **SEC. 8. WATERFRONT BROWNFIELDS GRANTS.**

19 Section 104(k) of the Comprehensive Environmental
20 Response, Compensation, and Liability Act of 1980 (42
21 U.S.C. 9604(k)) is amended by inserting after paragraph
22 (10) (as redesignated by section 3(1)) the following:

23 “(11) WATERFRONT BROWNFIELD SITES.—

24 “(A) DEFINITION OF WATERFRONT
25 BROWNFIELD SITE.—In this paragraph, the

10

1 term ‘waterfront brownfield site’ means a
 2 brownfield site that is adjacent to a body of
 3 water or a federally designated floodplain.

4 “(B) REQUIREMENTS.—In providing
 5 grants under this subsection, the Administrator
 6 shall—

7 “(i) take into consideration whether
 8 the brownfield site to be served by the
 9 grant is a waterfront brownfield site; and

10 “(ii) give consideration to waterfront
 11 brownfield sites.”.

12 **SEC. 9. CLEAN ENERGY BROWNFIELDS GRANTS.**

13 Section 104(k) of the Comprehensive Environmental
 14 Response, Compensation, and Liability Act of 1980 (42
 15 U.S.C. 9604(k)) (as amended by section 8) is amended
 16 by inserting after paragraph (11) the following:

17 “(12) CLEAN ENERGY PROJECTS AT
 18 BROWNFIELD SITES.—

19 “(A) DEFINITION OF CLEAN ENERGY
 20 PROJECT.—In this paragraph, the term ‘clean
 21 energy project’ means—

22 “(i) a facility that generates renew-
 23 able electricity from wind, solar, or geo-
 24 thermal energy; and

1 “(ii) any energy efficiency improve-
2 ment project at a facility, including com-
3 bined heat and power and district energy.

4 “(B) ESTABLISHMENT.—The Adminis-
5 trator shall establish a program to provide
6 grants—

7 “(i) to eligible entities to carry out in-
8 ventory, characterization, assessment,
9 planning, feasibility analysis, design, or re-
10 mediation activities to locate a clean en-
11 ergy project at 1 or more brownfield sites;
12 and

13 “(ii) to capitalize a revolving loan
14 fund for the purposes described in clause
15 (i).

16 “(C) MAXIMUM AMOUNT.—A grant under
17 this paragraph shall not exceed \$500,000.”.

18 **SEC. 10. TARGETED FUNDING FOR STATES.**

19 Paragraph (15) of section 104(k) of the Comprehen-
20 sive Environmental Response, Compensation, and Liabil-
21 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
22 section 3(1)) is amended by adding at the end the fol-
23 lowing:

24 “(C) TARGETED FUNDING.—Of the
25 amounts made available under subparagraph

1 (A) for a fiscal year, the Administrator may use
2 not more than \$2,000,000 to provide grants to
3 States for purposes authorized under section
4 128(a), subject to the condition that each State
5 that receives a grant under this subparagraph
6 shall have used at least 50 percent of the
7 amounts made available to that State in the
8 previous fiscal year to carry out assessment and
9 remediation activities under section 128(a).”.

10 **SEC. 11. CLARIFICATION OF OWNER OR OPERATOR.**

11 (a) ACQUISITION BY STATE OR LOCAL GOVERNMENT
12 AS SOVEREIGN.—

13 (1) OWNER OR OPERATOR.—Section 101(20) of
14 the Comprehensive Environmental Response, Com-
15 pensation, and Liability Act of 1980 (42 U.S.C.
16 9601(20)) is amended—

17 (A) in subparagraph (A), in the first sen-
18 tence, by striking “due to bankruptcy” and all
19 that follows through “local government,” and
20 inserting “to a unit of State or local govern-
21 ment through seizure or otherwise in connection
22 with law enforcement activity; through bank-
23 ruptcy, tax delinquency, abandonment, or es-
24 cheat; through any other involuntary transfer
25 or acquisition; through the exercise of eminent

13

1 domain authority by purchase or condemnation;
2 or through other circumstances in which the
3 unit of State or local government acquires title
4 by virtue of its function as a sovereign,”;

5 (B) in subparagraph (C), by striking “sec-
6 tion 107(a)(3) or (4)” and inserting “para-
7 graph (3) or (4) of section 107(a),”; and

8 (C) in subparagraph (D), in the first sen-
9 tence, by striking “which acquired” and all that
10 follows through “by virtue” and inserting “that
11 acquired ownership or control through seizure
12 or otherwise in connection with law enforcement
13 activity; through bankruptcy, tax delinquency,
14 abandonment, or escheat; through any other in-
15 voluntary transfer or acquisition; through the
16 exercise of eminent domain authority by pur-
17 chase or condemnation; or through other cir-
18 cumstances in which the government acquires
19 title by virtue”.

20 (2) CONTRACTUAL RELATIONSHIP.—Section
21 101(35)(A) of the Comprehensive Environmental
22 Response, Compensation, and Liability Act of 1980
23 (42 U.S.C. 9601(35)(A)) is amended—

1 (A) in the matter preceding clause (i), by
 2 striking “clause (i), (ii), or (iii)” and inserting
 3 “clause (i) or (ii)”;

4 (B) by striking clause (ii); and

5 (C) by redesignating clause (iii) as clause
 6 (ii).

7 (b) ALASKA NATIVE VILLAGE AND NATIVE COR-
 8 PORATION RELIEF.—Section 101(20) of the Comprehen-
 9 sive Environmental Response, Compensation, and Liabil-
 10 ity Act of 1980 (42 U.S.C. 9601(20)) is amended—

11 (1) by redesignating subparagraphs (E)
 12 through (G) as subparagraphs (F) through (H), re-
 13 spectively, and indenting appropriately;

14 (2) by inserting after subparagraph (D) the fol-
 15 lowing:

16 “(E) EXCLUSION OF CERTAIN ALASKA NA-
 17 TIVE VILLAGES AND NATIVE CORPORATIONS.—

18 “(i) IN GENERAL.—The term ‘owner
 19 or operator’ does not include—

20 “(I) a Native village or Native
 21 Corporation (as those terms are de-
 22 fined in section 3 of the Alaska Native
 23 Claims Settlement Act (43 U.S.C.
 24 1602)) that received a contaminated
 25 facility from the United States Gov-

15

1 ernment under that Act (43 U.S.C.
2 1601 et seq.); or

3 “(II) a successor in interest to a
4 contaminated facility referred to in
5 subclause (I) that was conveyed to the
6 successor in interest under section
7 14(c) of that Act (43 U.S.C. 1613(c)).

8 “(ii) APPLICABILITY.—Clause (i) does
9 not apply to any Native village, Native
10 Corporation, or successor in interest that
11 has caused or contributed to the release or
12 threatened release of a hazardous sub-
13 stance from a contaminated facility re-
14 ferred to in that clause.

15 “(iii) LIABILITY.—Any Native village,
16 Native Corporation, or successor in inter-
17 est that causes or contributes to the re-
18 lease or threatened release of a hazardous
19 substance from a contaminated facility re-
20 ferred to in clause (i) shall be subject to
21 the provisions of this Act in the same man-
22 ner and to the same extent, procedurally
23 and substantively, as any nongovernmental
24 entity, including liability under section
25 107.”;

16

1 (3) in subparagraph (G) (as so redesignated),
2 in the matter preceding clause (i), by striking “sub-
3 paragraph (E)” and inserting “subparagraph (F)”;
4 and

5 (4) in clause (i)(II) of subparagraph (H) (as so
6 redesignated), by striking “1813)” and inserting
7 “1813))”.

8 (c) PROSPECTIVE PURCHASERS AND LESSEES.—

9 (1) BONA FIDE PROSPECTIVE PURCHASER.—
10 Section 101(40) of the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act
12 of 1980 (42 U.S.C. 9601(40)) is amended—

13 (A) in subparagraph (B)—

14 (i) by redesignating clauses (i)
15 through (iii) as subclauses (I) through
16 (III), respectively, and indenting appro-
17 priately;

18 (ii) in subclause (I) (as so redesign-
19 ated), by striking “clauses (ii) and (iii)”
20 and inserting “subclauses (II) and (III)”;

21 (iii) in subclause (II) (as so redesign-
22 ated), by striking “subparagraph” and in-
23 serting “clause”; and

17

1 (iv) in subclause (III) (as so redesignig-
 2 nated), by striking “subparagraph” and in-
 3 serting “clause”;

4 (B) in subparagraph (D), by redesignating
 5 clauses (i) through (iii) as subclauses (I)
 6 through (III), respectively, and indenting ap-
 7 propriately;

8 (C) in subparagraph (F), by redesignating
 9 clauses (i) and (ii) as subclauses (I) and (II),
 10 respectively, and indenting appropriately;

11 (D) in subparagraph (H)—

12 (i) in clause (i)—

13 (I) in subclause (II), by inserting
 14 “, by a tenancy, by the instruments
 15 by which a leasehold interest in the
 16 facility is created,” after “financed”;
 17 and

18 (II) by redesignating subclauses
 19 (I) and (II) as items (aa) and (bb),
 20 respectively, and indenting appro-
 21 priately; and

22 (ii) by redesignating clauses (i) and
 23 (ii) as subclauses (I) and (II), respectively,
 24 and indenting appropriately;

1 (E) by redesignating subparagraphs (B)
2 through (H) as clauses (ii) through (viii), re-
3 spectively, and indenting appropriately;

4 (F) by striking the paragraph designation
5 and heading and all that follows through “All
6 disposal of” in subparagraph (A) and inserting
7 the following:

8 “(40) BONA FIDE PROSPECTIVE PURCHASER.—

9 “(A) IN GENERAL.—The term ‘bona fide
10 prospective purchaser’ means—

11 “(i) a person that—

12 “(I) after January 11, 2002, ac-
13 quires ownership of a facility; and

14 “(II) establishes by a preponder-
15 ance of the evidence each of the cri-
16 teria described in clauses (i) through
17 (viii) of subparagraph (B);

18 “(ii) a tenant of a person described in
19 clause (i);

20 “(iii) a tenant of a person that—

21 “(I) formerly met the criteria de-
22 scribed in clause (i) but no longer
23 meets that criteria due to a factor un-
24 related to any action of the tenant;
25 and

19

1 “(II) establishes by a preponder-
2 ance of the evidence each of the cri-
3 teria described in clauses (i), (iii),
4 (iv), (v), (vi), (vii), and (viii) of sub-
5 paragraph (B); and

6 “(iv) a person that—

7 “(I) holds a leasehold interest in
8 a facility; and

9 “(II) establishes by a preponder-
10 ance of the evidence each of the cri-
11 teria described in clauses (i) through
12 (viii) of subparagraph (B).

13 “(B) CRITERIA.—The criteria described in
14 this subparagraph are as follows:

15 “(i) DISPOSAL PRIOR TO ACQUI-
16 TION.—All disposal of”; and

17 (G) by adding at the end the following:

18 “(C) SPECIAL RULE.—With respect to a
19 facility, in any case in which the ownership or
20 operational control held by a person is estab-
21 lished by a tenancy or lease, the person shall be
22 considered to be a bona fide prospective pur-
23 chaser only if the person establishes by a pre-
24 ponderance of the evidence that the tenancy or

1 lease is not designed to avoid liability under
2 this Act by any person that—

3 “(i) does not meet the criteria applica-
4 ble to that person under subparagraph
5 (B); or

6 “(ii) is liable under paragraph (3) or
7 (4) of section 107(a).”.

8 (2) LIMITATION ON LIABILITY.—Section
9 107(r)(1) of the Comprehensive Environmental Re-
10 sponse, Compensation, and Liability Act of 1980 (42
11 U.S.C. 9607(r)(1)) is amended by striking “pur-
12 chaser’s” and inserting “bona fide prospective pur-
13 chaser”.

14 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) BROWNFIELDS REVITALIZATION FUNDING.—
16 Paragraph (15)(A) of section 104(k) of the Comprehen-
17 sive Environmental Response, Compensation, and Liabil-
18 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
19 section 3(1)) is amended by striking “2006” and inserting
20 “2020”.

21 (b) STATE RESPONSE PROGRAMS.—Section
22 128(a)(3) of the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980 (42 U.S.C.
24 9628(a)(3)) is amended by striking “2006” and inserting
25 “2020”.



II

115TH CONGRESS
1ST SESSION

S. 1359

To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2017

Mr. BARRASSO (for himself, Mr. CARPER, Mrs. CAPITO, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “John F. Kennedy Cen-
5 ter Reauthorization Act of 2017”.

6 SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

7 Section 13 of the John F. Kennedy Center Act (20
8 U.S.C. 76r) is amended by striking subsections (a) and
9 (b) and inserting the following:

1 “(a) MAINTENANCE, REPAIR, AND SECURITY.—
2 There are authorized to be appropriated to the Board to
3 carry out section 4(a)(1)(H)—

4 “(1) \$24,000,000 for fiscal year 2018;

5 “(2) \$25,000,000 for fiscal year 2019;

6 “(3) \$25,000,000 for fiscal year 2020; and

7 “(4) \$26,000,000 for fiscal year 2021.

8 “(b) CAPITAL PROJECTS.—There are authorized to
9 be appropriated to the Board to carry out subparagraphs
10 (F) and (G) of section 4(a)(1)—

11 “(1) \$13,000,000 for fiscal year 2018;

12 “(2) \$13,000,000 for fiscal year 2019;

13 “(3) \$14,000,000 for fiscal year 2020; and

14 “(4) \$14,000,000 for fiscal year 2021.”.

15 **SEC. 3. AUTHORIZATION FOR PLAQUE.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the John F. Kennedy Center for the Performing
18 Arts (referred to in this Act as the “Center”) should—

19 (1) recognize the year 2018 as the 60th anni-
20 versary of the National Cultural Center Act (now
21 known as the “John F. Kennedy Center Act”) (20
22 U.S.C. 76h et seq.), signed into law by President

23 Dwight D. Eisenhower on September 2, 1958; and

24 (2) establish commemorative displays honoring
25 President Dwight D. Eisenhower and the history of

1 the National Cultural Center Act (20 U.S.C. 76h et
2 seq.) during the year 2018.

3 (b) AUTHORIZATION FOR PLAQUE.—The Center shall
4 place within the Center a plaque containing an inscription
5 to commemorate the 60th anniversary of the signing of
6 the National Cultural Center Act (20 U.S.C. 76h et seq.)
7 by President Dwight D. Eisenhower.

8 (c) SPECIFICATIONS.—The plaque shall be—

9 (1)(A) not less than 6 square feet in size; and

10 (B) not more than 18 square feet in size;

11 (2) of any shape that the Trustees of the Cen-
12 ter determine to be appropriate; and

13 (3) placed at a location within the Center ap-
14 proximate to the Eisenhower Theater that the
15 Trustees of the Center determine to be appropriate.

16 (d) FUNDING.—

17 (1) IN GENERAL.—No Federal funds may be
18 used to design, procure, or install the plaque.

19 (2) EXCEPTION.—Paragraph (1) shall not af-
20 fect the payment of salaries, expenses, and benefits
21 otherwise authorized by law for members and em-
22 ployees of the Center who participate in carrying out
23 this section.

24 (e) PRIVATE FUNDRAISING AUTHORIZED.—

1 (1) IN GENERAL.—The Center shall solicit and
2 accept private contributions for the design, procure-
3 ment, and installation of the plaque.

4 (2) ACCOUNTING.—The Center shall—

5 (A) establish an account into which any
6 contributions received pursuant to paragraph
7 (1) shall be deposited; and

8 (B) maintain documentation of any con-
9 tributions received pursuant to paragraph (1).

10 **SEC. 4. COMMEMORATION OF THE JOHN F. KENNEDY CEN-**
11 **TER FOR THE PERFORMING ARTS.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Center should—

14 (1) recognize the year 2021 as the 50th anni-
15 versary of the opening of the Center; and

16 (2) appropriately acknowledge and commemo-
17 rate the mission of the Center as a national center
18 for the performing arts and a national memorial to
19 President John F. Kennedy.

20 (b) AUTHORIZATION FOR DISPLAYS AND PRO-
21 GRAMS.—The Center may create displays and programs
22 that memorialize the opening of the Center and the pro-
23 grammatic legacy of the Center since its opening in 1971.

○

115TH CONGRESS
1ST SESSION

S. 1395

To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware.

IN THE SENATE OF THE UNITED STATES

with Mr. Coons.
Mr. CARPER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works.

A BILL

To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL**
4 **BARRIER RESOURCES SYSTEM MAP.**

5 (a) IN GENERAL.—The map subtitled “Delaware
6 Seashore Unit DE-07P, North Bethany Beach Unit H01”
7 and dated December 6, 2013, that is included in the set
8 of maps entitled “Coastal Barrier Resources System” re-
9 ferred to in section 4(a) of the Coastal Barrier Resources
10 Act (16 U.S.C. 3503(a)) and relating to certain John H.

2

1 Chafee Coastal Barrier Resources System units in the
2 State of Delaware, is replaced by the map entitled “Dela-
3 ware Seashore Unit DE-07/DE-07P, North Bethany
4 Beach Unit H01” and dated March 16, 2016.

5 (b) AVAILABILITY.—The Secretary of the Interior
6 shall keep the replacement map referred to in subsection
7 (a) on file and available for inspection in accordance with
8 section 4(b) of the Coastal Barrier Resources Act (16
9 U.S.C. 3503(b)).

115TH CONGRESS
1ST SESSION

S. 1447

To reauthorize the diesel emissions reduction program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CARPER (for himself, Mr. INHOFE, Mr. BARRASSO, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reauthorize the diesel emissions reduction program, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diesel Emissions Re-
5 duction Act of 2017”.

6 **SEC. 2. REAUTHORIZATION OF DIESEL EMISSIONS REDUC-**
7 **TION PROGRAM.**

8 Section 797(a) of the Energy Policy Act of 2005 (42
9 U.S.C. 16137(a)) is amended by striking “2016” and in-
10 serting “2022”.

1 **SEC. 3. RECOGNIZING DIFFERENCES IN DIESEL VEHICLE,**
 2 **ENGINE, EQUIPMENT, AND FLEET USE.**

3 (a) NATIONAL GRANT, REBATE, AND LOAN PRO-
 4 GRAMS.—Section 792(c)(4)(D) of the Energy Policy Act
 5 of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by insert-
 6 ing “, recognizing differences in typical vehicle, engine,
 7 equipment, and fleet use throughout the United States”
 8 before the semicolon.

9 (b) STATE GRANT, REBATE, AND LOAN PRO-
 10 GRAMS.—Section 793(b)(1) of the Energy Policy Act of
 11 2005 (42 U.S.C. 16133(b)(1)) is amended—

12 (1) in subparagraph (B), by striking “; and”
 13 and inserting a semicolon; and

14 (2) by adding at the end the following:

15 “(D) the recognition, for purposes of im-
 16 plementing this section, of differences in typical
 17 vehicle, engine, equipment, and fleet use
 18 throughout the United States, including ex-
 19 pected useful life; and”.

20 **SEC. 4. REALLOCATION OF UNUSED STATE FUNDS.**

21 Section 793(e)(2)(C) of the Energy Policy Act of
 22 2005 (42 U.S.C. 16133(e)(2)(C)) is amended beginning
 23 in the matter preceding clause (i) by striking “to each re-
 24 maining” and all that follows through “this paragraph”
 25 in clause (ii) and inserting “to carry out section 792”.